

HOUSE BILL 298

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2004 Regular Session  
4r0199  
CF 4r0094

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By: **The Speaker and the Minority Leader (By Request - Administration)**  
**and Delegates Edwards, Arnick, Aumann, Barkley, Bobo, Boutin,**  
**Donoghue, Eckardt, Glassman, Impallaria, Kach, Kelly, King, McComas,**  
**McMillan, Sophocleus, Stull, Trueschler, and ~~Vallario~~ Vallario, and**  
**Simmons**

Introduced and read first time: January 27, 2004  
Assigned to: Environmental Matters

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Committee Report: Favorable with amendments  
House action: Adopted  
Read second time: March 16, 2004

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Public Ethics - Judicial Review - Alteration of Stay of Enforcement of an**  
3 **Order**

4 FOR the purpose of eliminating the automatic staying of the enforcement of an order  
5 of the Ethics Commission upon the seeking of judicial review by a person  
6 aggrieved by the order; providing that either the Ethics Commission or the  
7 reviewing court may stay enforcement during the period of judicial review;  
8 providing for the application of this Act; and generally relating to public ethics.

9 BY repealing  
10 Article - State Government  
11 Section 15-406(b)(2)  
12 Annotated Code of Maryland  
13 (1999 Replacement Volume and 2003 Supplement)

14 BY adding to  
15 Article - State Government  
16 Section 15-406(b)(2)  
17 Annotated Code of Maryland  
18 (1999 Replacement Volume and 2003 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
20 MARYLAND, That the Laws of Maryland read as follows:

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**Article - State Government**

2 15-406.

3 (b) [(2) If a timely appeal is filed, the order is stayed until final disposition by  
4 the court.]

5 (2) (I) THE FILING OF A PETITION FOR JUDICIAL REVIEW DOES NOT  
6 AUTOMATICALLY STAY THE ENFORCEMENT OF THE ORDER.

7 (II) EXCEPT AS OTHERWISE PROVIDED BY LAW, THE ETHICS  
8 COMMISSION OR THE REVIEWING COURT MAY STAY THE ENFORCEMENT OF THE  
9 ORDER, UNDER TERMS IT CONSIDERS PROPER.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be  
11 construed to apply only prospectively and may not be applied or interpreted to have  
12 any effect on or application to any final order of the Ethics Commission concerning  
13 any matter or violation that occurred before the effective date of this Act.

14 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take  
15 effect October 1, 2004.